

MINUTES

ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 4, 2007

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Executive Secretary Choe and Major Poindexter.

Marc Carmichael, Brad Klopfenstein of ILBA and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the August 21, 2007 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Commissioner Sturtz moved to approve the parties agreed disposition forms that were submitted for the September 4, 2007 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

DL02-22761 MCINTOSH ENERGY COMPANY, INC. – Hearing Judge Choe requested the Commission uphold the Proposed Findings of Fact and Conclusions of Law as submitted with one correction on page 5, paragraph 9. The amount should be \$1,124,312.64.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation and approve this application. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Four hundred forty-seven (447) renewals approved, fifty-four (54) new and/or transfer permits approved, three (3) permits approved for catering, four (4) permits approved for first year escrow, three (3) permits approved for second year escrow and one (1) permit approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR89-23309 STONE, LLC, D/B/A PHAT DADDY'S GRILL – Chairman Heath noted this is a new type 221-3 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL41-23092 GAS AMERICA SERVICES, INC. – Chairman Heath noted this is a new type 115 application with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie stated the local board recommended denial based on there being no need in the community for the services, but, there were no remonstrators present at the local board meeting to provide any evidence to support that finding. There was, however, evidence presented to support the issuance of the permit.

Commissioner Guthrie moved to overturn the local board and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

INACTIVE FILES

Vice Chairman Johnson moved to make eleven (11) permits inactive. All eleven (11) permits are not subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

READoption OF RULES – Commissioner Guthrie moved to table this matter until the September 18, 2007 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2007.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER